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NEWS RELEASE

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For Media Release:
June 20, 2003

Comment Wanted On Proposal To Amend Hawai'i Rules Of Penal Procedure

The Supreme Court of Hawai'i previously sought public comment on a proposal to amend Rule 32(d) of the Hawai'i Rules of Penal Procedure. The original proposal from the Permanent Committee on Rules of Penal Procedure & Circuit Court Rules required that post-judgment motions to withdraw pleas of guilty or nolo contendere be made by petition pursuant to Rule 40 of the Hawai'i Rules of Penal Procedure. After considering comments received, the supreme court modified the proposal and again seeks public comment.

The modified proposal is as follows (new material is underlined, deleted material is bracketed):

(d) Withdrawal of Plea [of Guilty]. A motion to withdraw a plea of guilty or of nolo contendere may be made [only] before sentence is imposed or imposition of sentence is suspended; provided that, [but] to correct manifest injustice the court, upon its own motion or a party's motion submitted no later than ten (10) days after imposition of sentence, [shall] may set aside the judgment of conviction and permit the defendant to withdraw [his] the plea. At any later time, a defendant seeking to withdraw a plea of guilty or nolo contendere may do so only by petition pursuant to Rule 40 of these rules and the court may not set aside such a plea unless doing so is necessary to correct manifest injustice.

Comments about the proposed amendment should be submitted in writing no later than October 1, 2003 to the Judiciary Public Affairs Office, 417 South King Street, Honolulu, Hawai'i 96813; by facsimile at (808) 539-4801; or via the Judiciary website at www.courts.state.hi.us.

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